Case 3:04-cv-01351-MHP Document 30 Filed 09/07/06 Page 1 of 2 GLENN D. POMERANTZ (State Bar No. 112503) 1 KELLY M. KLAUS (State Bar No. 161091) MUNGER, TOLLES & OLSON LLP 2 355 South Grand Avenue, Thirty-Fifth Floor 3 Los Angeles, CA 90071-1560 (213) 683-9100 Telephone: (213) 687-3702 4 Facsimile: Attorneys for Plaintiffs UMG RECORDINGS, INC., et al. 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 IN RE NAPSTER, INC. COPYRIGHT CASE NO. C-MDL-00-1369 MHP 12 LITIGATION STIPULATION AND [PROPOSED] ORDER 13 OF DISMISSAL WITH PREJUDICE 14 This Document Relates To: 15 No. C 04-1351 MHP UMG RECORDINGS, INC., et al., 16 Plaintiffs, 17 VS. 18 BERTELSMANN AG, et al., 19 Defendants. 20 21 22 23 24 25 26

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| 1 | Plaintiffs UMG Recordings, Inc., Interscope Records, and Motown Record Company, | |
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| 2 | L.P., and Defendants Bertelsmann AG, Bertelsmann, Inc. and BMG Columbia House, Inc., by | |
| 3 | and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 41(a)(1), | |
| 4 | hereby stipulate that the above-captioned action, including all claims raised in the Complaint filed | |
| 5 | therein, shall be and hereby are dismissed with prejudice pursuant to a settlement agreement | |
| 6 | reached by the parties in this action, the contents of which have been deemed confidential by the | |
| 7 | parties. The parties stipulate that this Court will retain jurisdiction to enforce the settlement | |
| 8 | agreement. | |
| 9 | DATED: September 6, 2006 | MUNGER, TOLLES & OLSON LLP |
| 10 | | |
| 11 | | By:/s/ GLENN D. POMERANTZ |
| 12 | | |
| 13 | | Attorneys for Plaintiffs UMG RECORDINGS, INC., INTERSCOPE |
| 14 | | RECORDS, and MOTOWN RECORD COMPANY, L.P. |
| 15 | DATED G 4 1 6 2006 | WELL COTCLIAL & MANGEGILD |
| 16 | DATED: September 6, 2006 | WEIL, GOTSHAL & MANGES LLP |
| 17 | | D /a/ |
| 18 | | By:/s/ R. BRUCE RICH |
| 19 | | Attorneys for Defendants BERTELSMANN AG, BERTELSMANN, |
| 20 | | INC. and BMG COLUMBIA HOUSE, INC. |
| 21 | | |
| 22 | ORDER | |
| 23 | GOOD CAUSE APPEARING THERE | FORE, IT IS SO ORDERED. |
| 24 | | STATES DISTRICT CO. |
| 25 | September 7, 2006 | HON MAD PREED PARK |
| 26 | | HON MAROERED PACEL IT IS SO ORDERED IT JUDGE |
| 27 28 | | Judge Marilyn H. Patel |
| 20 | 1209674.1 | A TION AND IPPOPOSED OF OF |
| |)) | 1 - DISCUSSAL WITH PREJUDICE C-MDJ (SALS) (MHP) |